

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jackie Thompson, f/k/a Jackie Streich, an
individual,

Court File No. _____

Plaintiff,

v.

NOTICE OF REMOVAL

Lupient Automotive Group, Inc., a
Minnesota Corporation,

Defendant.

Pursuant to 28 U.S.C. § 1446, Defendant Lupient Automotive Group, Inc. (“Defendant”) by and through counsel, hereby removes this matter. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure. In support of this Notice, Defendant states the following:

1. Defendant first received notice of Plaintiff’s Complaint when it was served with a copy of Plaintiff’s Summons and Complaint on September 20, 2011. The caption of the Summons and Complaint indicates that this action was commenced in the District Court of the Fourth Judicial District of the State of Minnesota. To the best of Defendant’s knowledge, the Summons and Complaint was served, but not filed, pursuant to Minn. R. Civ. P. 3.01.
2. The Complaint asserts violations of federal law resulting from Plaintiff’s employment with Defendant.
3. Defendant is entitled to remove this action to federal court because

Plaintiff's Complaint includes a claim arising under the laws of the United States, specifically, 29 U.S.C. §§2601, *et seq.* This Court has original jurisdiction over such actions pursuant to 28 U.S.C. § 1331, and this action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441.

4. This Notice is being filed within thirty days after service and therefore has been timely filed pursuant to the provisions of 28 U.S.C. § 1446(b).

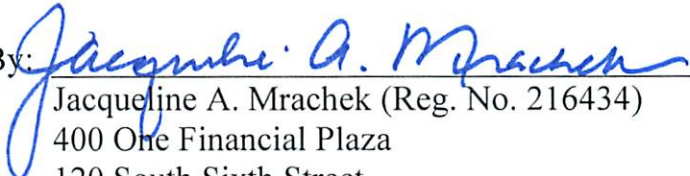
5. True and correct copies of the Summons and Complaint are attached hereto as Exhibit A. To the best of Defendant's knowledge, the documents attached as Exhibit A constitute all process, pleadings, and orders that have been served or filed in the case to date.

6. Written notice of the filing of this Notice of Removal will be filed with the Clerk of Court for the District Court of the Fourth Judicial District of the State of Minnesota, and served on all parties pursuant to the provisions of 28 U.S.C. § 1446(d).

WHEREFORE, Defendant hereby removes the above action from the District Court of the Fourth Judicial District of the State of Minnesota, to the United States District Court for the District of Minnesota. Defendant prays that no further action be had on this matter in the Fourth Judicial District Court.

NILAN JOHNSON LEWIS PA

Date: October 7, 2011

By: 
Jacqueline A. Mrachek (Reg. No. 216434)
400 One Financial Plaza
120 South Sixth Street
Minneapolis, MN 55402-4501
612.305.7500
jmrachek@nilanjohnson.com

ATTORNEY FOR DEFENDANT